

Remarks

Claims 14-26 are pending. Claims 14-26 are rejected. Claims 20, 21, 25 and 26 are cancelled. Claims 14, 16, 17, 19, 22 and 23 are currently amended. Support for the amendments can be found at, for example, the original claims and the previously entered Preliminary Amendment.

Claims 14-26 are rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. The rejection states that the claims are directed to a method that uses a “compound that depletes or inhibits B lymphocytes” and that the compound has the functional effects recited in the claims. The rejection also states the claims encompass a vast collection of structurally unrelated molecules which have the functional properties recited in the claims and that the identity of these molecules is unknown and unpredictable. The rejection states that these molecules could be antisense reagents, small organic molecules, fusion proteins and the like. The rejection notes that the specification provides written description of antiCD20 antibodies, such as rituximab which bind human CD20.

Amended Claims 14-19 and 22-24 comply with the written description requirement of 35 USC §112, first paragraph. Claim 14 has been amended to recite an “administering ... [a] composition [that] comprises a monoclonal antibody directed against transmembrane antigen CD20 of pre-B or mature B lymphocytes[.]” Claims 15-19 and 22-24 are dependent on independent Claim 14 and include all of its recitations. This means the amendment to Claim 14 changes these claims such that they only read on administration of “a monoclonal antibody directed against transmembrane antigen CD20[.]” Importantly, the rejection acknowledges that the specification “provides written description of antiCD20 antibodies ... for use in the claimed method[s].” The Applicants submit that one of ordinary skill in the art would recognize the Applicants were in possession of the claimed subject matter at the time of filing and thus satisfy the written description requirement. The rejection is moot with regard to cancelled Claims 20, 21, 25 and 26. The Applicants respectfully request withdrawal of the rejection of Claims 14-19 and 22-24.

Claims 14-24 and 26 are rejected as inherently anticipated under 35 USC §102(b) by Weng as evidenced by US ‘137. The rejection states that Weng teaches treatment of follicular lymphoma patients with the antiCD20 antibody rituximab, as evidenced by US ‘137, and a therapeutic vaccination with a tumor idotype.

Claims 14-19 and 22-24 are not inherently anticipated under 35 USC §102(b) by Weng as evidenced by US '137. Independent Claim 14 has been amended to recite the “therapeutic vaccine comprises an inactivated human immunodeficiency virus.” Claims 15-19 and 22-24 depend on independent Claim 14 and include all of its recitations. The cited references, Weng and US '137, both fail to teach that the “therapeutic vaccine comprises an inactivated human immunodeficiency virus.” This means that Weng and US '137 fail to inherently anticipate the claimed methods, because these references fail to teach all the elements of the amended claims. The rejection is moot with regard to cancelled Claims 20, 21 and 26. The Applicants respectfully request withdrawal of the rejections of Claims 14-19 and 22-24.

Claims 14-24 and 26 are rejected as inherently anticipated under 35 USC §102(b) by Wilson as evidenced by US '137. The rejection states that Wilson teaches treatment of MCL lymphoma patients with the antiCD20 antibody rituximab, as evidenced by US '137, and a therapeutic vaccination with an antigenic tumor idiotype.

Claims 14-19 and 22-24 are not inherently anticipated under 35 USC §102(b) by Wilson as evidenced by US '137. Independent Claim 14 has been amended to recite the “therapeutic vaccine comprises an inactivated human immunodeficiency virus.” Claims 15-19 and 22-24 are dependent on independent Claim 14 and include all of its recitations. Wilson and US '137 both fail to disclose that the “therapeutic vaccine comprises an inactivated human immunodeficiency virus.” This means that Wilson and US '137 fail to inherently anticipate the claimed methods, because they fail to teach all the elements of the amended claims. The rejection is moot with regard to cancelled Claims 20, 21 and 26. The Applicants respectfully request withdrawal of the rejections of Claims 14-19 and 22-24.

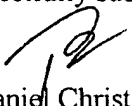
Claims 14-26 are rejected under 35 USC §103(a) over the combination of Wilson, US '137 and US '194. The rejection states that the teachings of Wilson and US '137 are essentially as described above. The rejection states that Wilson and US '137 do not teach that patients received the vaccine of the claims. The rejection states that US '194 teaches the vaccine of the claims.

Claims 14-19 and 22-24 are not obvious under 35 USC §103(a) over the combination of Wilson, US '137 and US '194. Independent Claim 14 has been amended to recite that the “therapeutic vaccine comprises an inactivated human immunodeficiency virus.” As discussed above Wilson and US '137 fail to teach such a vaccine. US '194 also fails to teach such a vaccine. This is because US '194 teaches “an antigen-presenting cell pulsed with an inactivated virus” and that the

virus the antigen-presenting cell has been pulsed with can be a human immunodeficiency virus. It is well known in the art that antigen-presenting cells phagocytose virions and then proteolytically cleave these virus particles into tiny peptide fragments which are potentially antigenic and are presented on the surface of these cells. This means that when an antigen-presenting cell is pulsed with an inactivated virus, the resulting vaccine does not comprise an inactivated HIV virus particle as recited in the claims, because the viron has been proteolytically degraded into numerous tiny fragments by the antigen-presenting cell. In other words, US '194 and the other cited references fail to teach all the elements of the amended claims and the rejection thus fails to establish *prima facie* obviousness. The rejection is moot with regard to cancelled Claims 20, 21, 25 and 26. The Applicants respectfully request withdrawal of the rejections.

In light of the foregoing, the Applicants respectfully submit that the entire application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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